

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3617 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

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INDUSTRIAL OXYGEN CO. LTD

Versus

UNION OF INDIA

Appearance:

MR MIHIR H JOSHI for Petitioner

MR JAYANT PATEL for Respondent No. 1

CORAM : MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 06/05/98

ORAL JUDGEMENT (Per : Balakrishnan,J.)

Rule. Mr. Jayant Patel, learned Standing Counsel waives service thereof on behalf of the respondents.

The petitioner has filed an appeal before the 2nd respondent against the order passed by the 3rd respondent. The petitioner has also moved an application for stay of the impugned order. The stay application is not finally disposed of. The petitioner contends that during the pendency of these proceedings, the authorities are taking coercive steps to realise the amount due.

We heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

A reference was made to the order passed by this Court in SCAs no.21/97 & 22/97 and also to a decision in DCW Ltd. vs. Commissioner (Appeals) & Ors. reported in

1997(2) GLR 913. In the above decision, this Court directed the respondent-authority to dispose of the stay application within a prescribed time.

Having regard to the facts and circumstances of the case, we direct respondent no.2 to consider the stay application and pass appropriate orders preferably within one month from the date of receipt of copy of this order. Till the stay application is finally disposed of, the authorities shall not take any further coercive step to realise the amount payable under the impugned order. The application is disposed of accordingly. Rule is discharged subject to above directions. No order as to costs.

D.S.Permitted.

(K.G.Balakrishnan,J.)

May 6,1998 (J.M.Panchal, J.)

patel